IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 238 OF 2004

Vishal Ramesh Redij ... Petitioner

versus

State of Maharashtra & ors. ... Respondents

...

Mr. Naveen Chomal, for the Petitioner.

Mr. D.R. More, A.P.P., for Respondent No. 1.

...

CORAM : A.M.KHANWILKAR,J.

4th October 2004

P.C.:

. This petition is filed for transfer of Sessions Case No. 35 of 2003 presently pending on the file of Sessions Judge, Ratnagiri, to the Court of Sessions at Mumbai by the brother of the deceased, who is also a witness in the case. The apprehension expressed in this petition is that there will be no fair trial at Ratnagiri because the witnesses are being threatened by friends and relatives of the accused, who are presently in jail. The learned A.P.P. for the State fairly

states that if there is any such apprehension, that can be taken care of by providing appropriate protection to the concerned witnesses if such application were to be made before the Superintendent of Police. In the circumstances, it is not necessary to accede to the request for transfer as made in this petition. Accordingly, this petition is disposed of on the assurance given on behalf of the State that appropriate care and caution will be taken to ensure appearance of witnesses before the trial Court pursuant to the summons issued by the trial Court. The concerned witnesses shall apply to the Superintendent of Police sufficiently in advance at least one week before they plan to appear before the trial Court as witnesses. If such application is received by the Superintendent of Police, the same will be considered and necessary directions be issued in terms of the assurance given before this Court. With these observations, petition disposed of.

(A.M.KHANWILKAR,J.)